



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

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| MEETING DATE March 17, 2006 LOCAL EFFECTIVE DATE March 31, 2006 APPROX FINAL EFFECTIVE DATE April 21, 2006 | CONTACT/PHONE Ryan Hostetter | APPLICANT SDS Family Trust | FILE NO. DRC2004-00125 |
| SUBJECT Request by SDS Family Trust for a Minor Use Permit/Coastal Development Permit to allow the construction of a new 4,576 square foot barn, a minor remodel of the existing residence consisting of the connection to an existing well and installation of a new septic system, and the amendment of the lateral coastal access condition of approval from a previous Minor Use Permit (D010354P). The new barn is proposed to be located in the same location as a previous historic barn that had been destroyed due to weather and age. The location of the barn is approximately 120 feet to the east of the existing residence. The proposed barn will be visible from Highway 1 (the west side of the highway approximately 1 mile south of Harmony), and has been designed to be similar to the previous barn to reduce visual impacts from Highway 1. The project will result in the disturbance of approximately 4,576 square feet of a 400 acre parcel. The proposed project is within the Agriculture land use category and is located at 4510 Cabrillo Highway, approximately 1 mile south of the community of Harmony in the Estero planning area. | | | |
| RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2004-00125 based on the findings listed in Exhibit A and the conditions listed in Exhibit B | | | |
| ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on February 15, 2006 (ED05-324). | | | |
| LAND USE CATEGORY Agriculture | COMBINING DESIGNATION Local Coastal Program/Flood Hazard/Streams and Riparian Vegetation/Sensitive Resource Area/Coastal Appealable Zone | ASSESSOR PARCEL NUMBER 046-082-010, 046-082-011, & 046-082-005 | SUPERVISOR DISTRICT(S) 2 |
| PLANNING AREA STANDARDS: None applicable <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Local Coastal Program/Flood Hazard/Streams and Riparian Vegetation/Sensitive Resource Area/Coastal Appealable Zone, Archaeologically Sensitive Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | |

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| EXISTING USES: House, cattle grazing | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture, grazing operation <i>East:</i> Agriculture, grazing operation <i>South:</i> Agriculture, grazing operation <i>West:</i> Pacific Ocean | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner's Office, Cambria CSD, Cambria Fire, Cal Trans, Regional Water Quality Control Board, California Coastal Commission, and the North Coast Advisory Council | |
| TOPOGRAPHY: Site ranges from slightly to steeply sloping. | VEGETATION: Grasses, areas of riparian vegetation and coastal dune scrub |
| PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF | ACCEPTANCE DATE: January 24, 2005 |

DISCUSSION

PROJECT HISTORY

This project as proposed includes the construction of a new barn in the same location as an old barn. The old barn fell down in 2004 because of age and weather. The project also includes the remodeling of the existing residence, and the removal of a coastal access requirement that was a condition of approval from a previous permit (D010354P). Permit D010354P included remodeling the existing 130 year old home, connecting the home to an existing well, and installation of a new septic system. This permit was approved on March 19, 2004.

A condition of approval for permit D010354P required that the applicants provide lateral access along the entire length of the property fronting the ocean for public beach access. Vertical access was not required because the site has been used for cattle grazing and dairy operations, and requiring vertical access to the beach could not only inhibit the existing agricultural operations on the site but possibly inhibit future agricultural operations as well. The applicants are requesting to remove the lateral access requirement (which was required with permit D010354P) with this Minor Use Permit/Coastal Development Permit.

Based on previous court cases (Nollan vs. Ca Coastal Commission 1988 & Dolan vs. the City of Tigard 1994), in order for an agency to require coastal access when an applicant develops their property there needs to be a nexus to require the access, and the access requirement should be proportional to the development proposal and change of intensity on the property. This project includes minor remodeling of an existing home including a new septic system, and rebuilding a barn that had been destroyed due to age and weather. Staff feels that this project does not warrant the requirement for full lateral access because it does not change the historic use of the property, and does not increase the number of structures on the site. However, staff does feel that because the remodel of the home includes a new septic system, and the barn is going to be replaced, some access should be provided. Therefore, staff is requiring that the applicants provide lateral access along the portion of their coastline that contains dry sandy beach. With this requirement there will be no conflict with the current agricultural activities or

potential future agricultural uses on the property because the dry sandy beach areas on the property are not accessible by cattle.

PLANNING AREA STANDARDS: None Applicable

LAND USE ORDINANCE STANDARDS:

Local Coastal Plan/Coastal Appealable Zone: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. Because this project is located between the ocean and the first public road it falls within the appealable development combining designation land use category. Therefore, any decision made by the county regarding this project's land use application may be appealed by the California Coastal Commission pursuant to Public Resources Codes Section 30603(a).

Flood Hazard: The area where construction activities will occur is outside the area of the property designated Flood Hazard.

Archaeologically Sensitive: The proposed project is located in an Archaeologically Sensitive Area. A Phase I Archaeological Survey was prepared by Charles E. Dills on January 20, 1994. The survey found that no potentially significant cultural resources are present on the parcel.

Sensitive Resource Area/Streams and Riparian Vegetation: A designated coastal stream is located on the property. It is an intermittent tributary to Ellyslly Creek. The drainage supports minimal patchy riparian vegetation in areas with no riparian in the area near the existing residence. A large group of eucalyptus and Monterey cypress associated with the historic residence dominates the drainage in the area. The existing residence is located approximately 65 feet from the drainage. The new septic tank and leachfield are proposed to be setback in excess of 100 feet from the drainage. While the house does not meet the required 100 foot setback from coastal streams, the structure is a historic residence that has existed on the site for approximately 130 years and moving it is not necessary or reasonable at this time. The project proposes to restore the house to a habitable condition, but does not propose to expand or establish any new facilities that would not meet the setback.

Use of the well for residential purposes will increase the demand by approximately 1 acre foot per year (AFY). The use of a well to supply the one single family residence will be similar to the historic usage at the site (for approx. 130 years). In fact, the property was the site of an operating dairy for many years and the water demand of the proposed project will be significantly less than during the dairy operation.

COASTAL PLAN POLICIES: The project is consistent with the Coastal Plan Policies. The most relevant policies are discussed below.

Shoreline Access:

Policy 2: New Development. Vertical access is not required because existing cattle grazing operations may be adversely affected. While the site has been occupied for most of the past 130 years, the residence has been vacant for the past several years. Remodeling the existing residence, adding a bathroom and septic system, and replacement of the barn will add square footage to the property therefore limited lateral access along only the dry sandy beach is required.

Environmentally Sensitive Habitats:

Policy 1: Land Uses. The proposed project is consistent with this policy as the restoration of the existing structure will not significantly disrupt the habitat.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because habitat values are minimal in the are of the project (due to over story of mature trees) and conditions have been included that will protect the stream/drainage area during construction and require some enhancement plantings. There will be no significant impact on sensitive habitats restoration of the residence is consistent with the biological continuance of the habitat.

Policy 18: Coastal Streams and Riparian Vegetation: The proposed project is consistent with this policy because the while the existing residence is approximately 65 feet from the stream, new facilities (e.g. septic and leach field) are greater than 100 feet from the stream..

Policy 19: Development in or Adjacent to a Coastal Stream: The proposed project is consistent with this policy because the new facilities will be sited and designed to prevent impacts to the coastal habitat. Sedimentation and erosion control measures were implemented to prevent erosion and runoff when the well was installed.

Coastal Watershed:

Policy 1: Preservation of Groundwater Basins. The proposed project is consistent with this policy because the well serving the project will result in withdrawal of approximately 1 acre foot per year, which is far less than withdrawals as a result of historic uses.

Policy 6: Priority for Agriculture Expansion. The proposed project is consistent with this policy because the residential use is within the historic ranch house area and will not interfere with the agricultural use (grazing) currently occurring on the property.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: None applicable to this site.

AGENCY REVIEW:

Public Works-"Recommend approval" 1/5/05

Ag Commissioner-"No Concerns" 2/2/06

CDF – See minor use plan fire letter in file dated 3/16/05

Cambria Community Services District – "Not in Cambria, no comment" 12/14/04

Cal Trans – None received as of 2/15/06

California Coastal Commission – None received as of 2/15/06

Regional Watery Quality Control Board - None received as of 2/15/06

LEGAL LOT STATUS:

The existing properties were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. A Class 3 Categorical Exemption was issued on February 15, 2006 (ED05-324) pursuant to CEQA Guidelines Section 15303 because the project is a minor remodel of an existing residence and construction of a barn on slopes less than 10%.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because vertical access is not required because existing cattle grazing operations may be adversely affected. Restoration of the ranch house and re-building the barn will add a minor amount of new construction and the project has been conditioned to provide a proportional amount of limited lateral access.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because a Phase I Archaeological Survey was prepared by Charles E. Dills on January 20, 1994. The survey found that no potentially significant cultural resources are present on the parcel.

Streams and Riparian Vegetation

- I. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and

will preserve and protect such features through the site design, because the new facilities are located a minimum of 100 feet from the stream

- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed well has been designed and to minimize impacts to the stream and riparian vegetation.
- K. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- L. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because sedimentation and erosion control measures were put in place when the well site was prepared.
- M. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- N. The proposed use will not significantly disrupt the habitat.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. the construction of a new 4,576 square foot barn, minor remodel of the existing residence which includes connection to an existing well and installation of a new septic system, and amendment of the coastal access condition of approval from a previous Minor Use Permit (D010354P).
 - b. maximum height is 28' from average natural grade (maximum elevation of ridgeline or clearstory shall be 171').

Conditions required to be completed at the time of application for construction permits

2. Plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. The applicant shall provide details on any proposed lighting within the barn. There shall be no exterior lights attached to the barn, and no exterior lights attached to poles on the property. Exterior lighting shall be limited to a simple porch light at the single family residence only.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 16, 2005.

Services

5. The applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. The applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. The applicant shall pay all applicable school and public facilities fees.

Coastal Access

8. The applicant shall provide a lateral access dedication of 25 feet of dry sandy beach available at all times during the year across APN 046-082-005 (pursuant to the requirements of Section 23.04.420 of the Coastal Zone Land Use Ordinance).

Conditions to be completed during project construction

Building Height

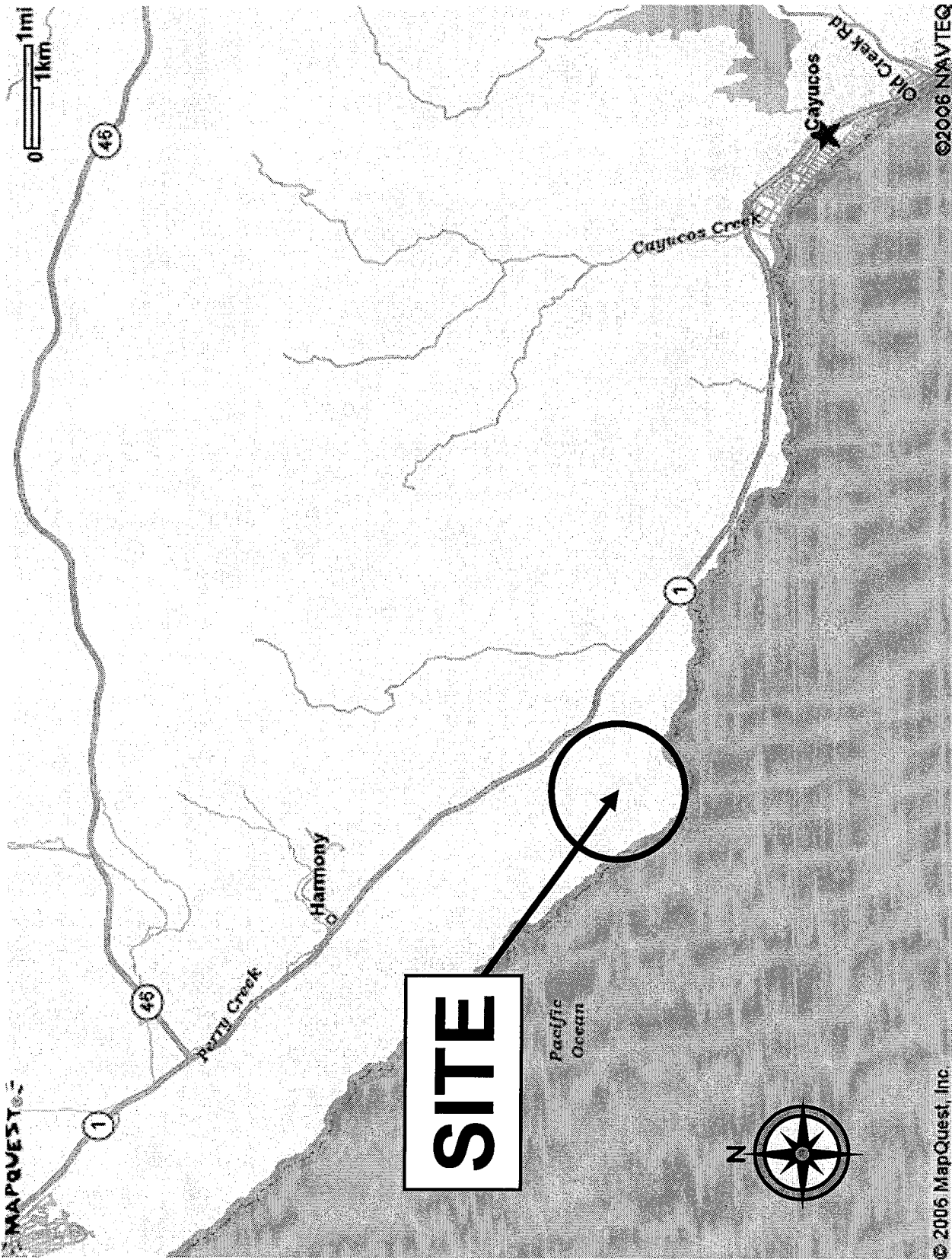
9. The maximum elevation of the barn is 171' feet to the top of the ridgeline (approximately 28' in height from average natural grade).
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

10. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
11. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
12. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

13. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
14. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



PROJECT

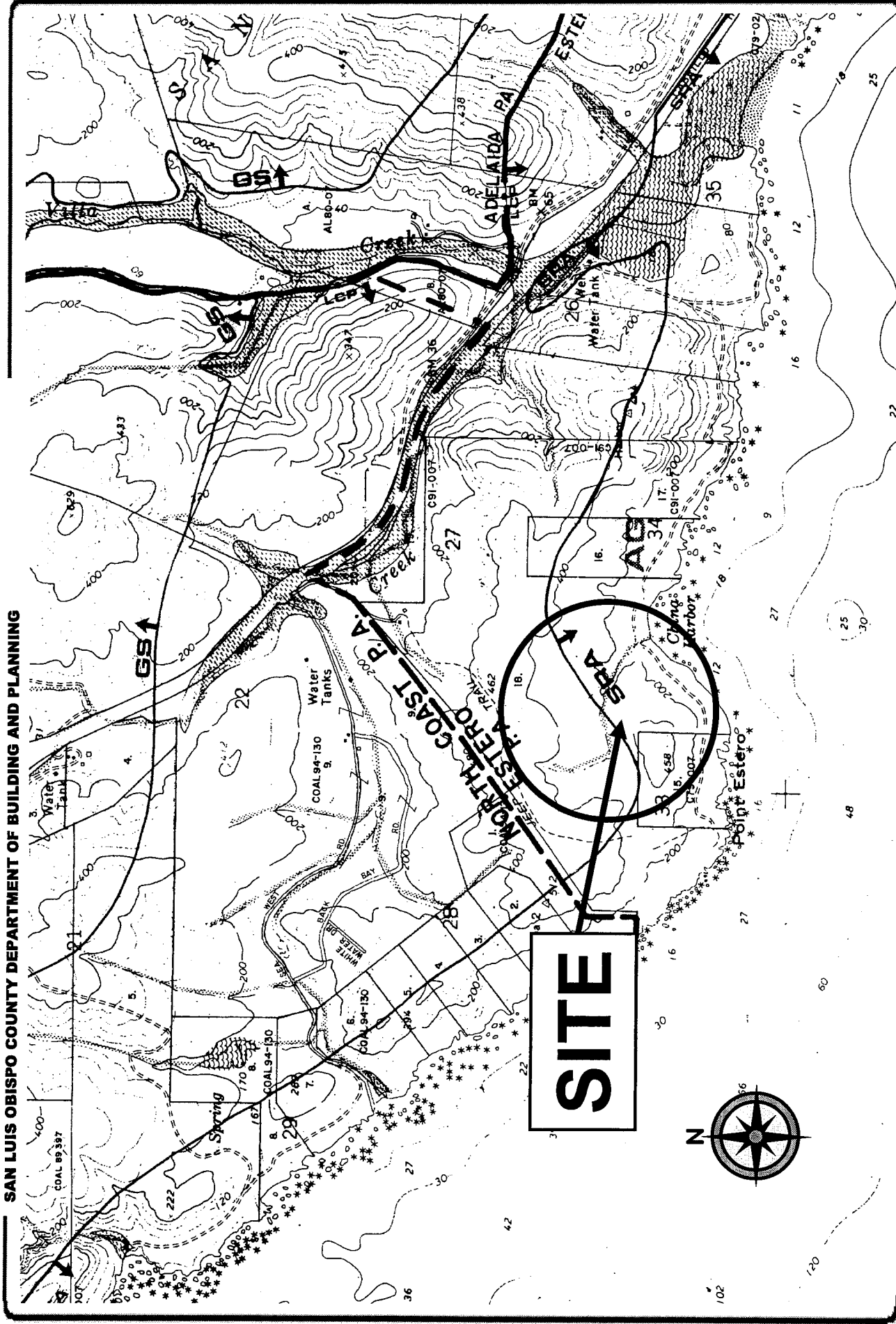
Minor Use Permit

SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

Cayucos Vicinity





PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

Land Use Category





SITE



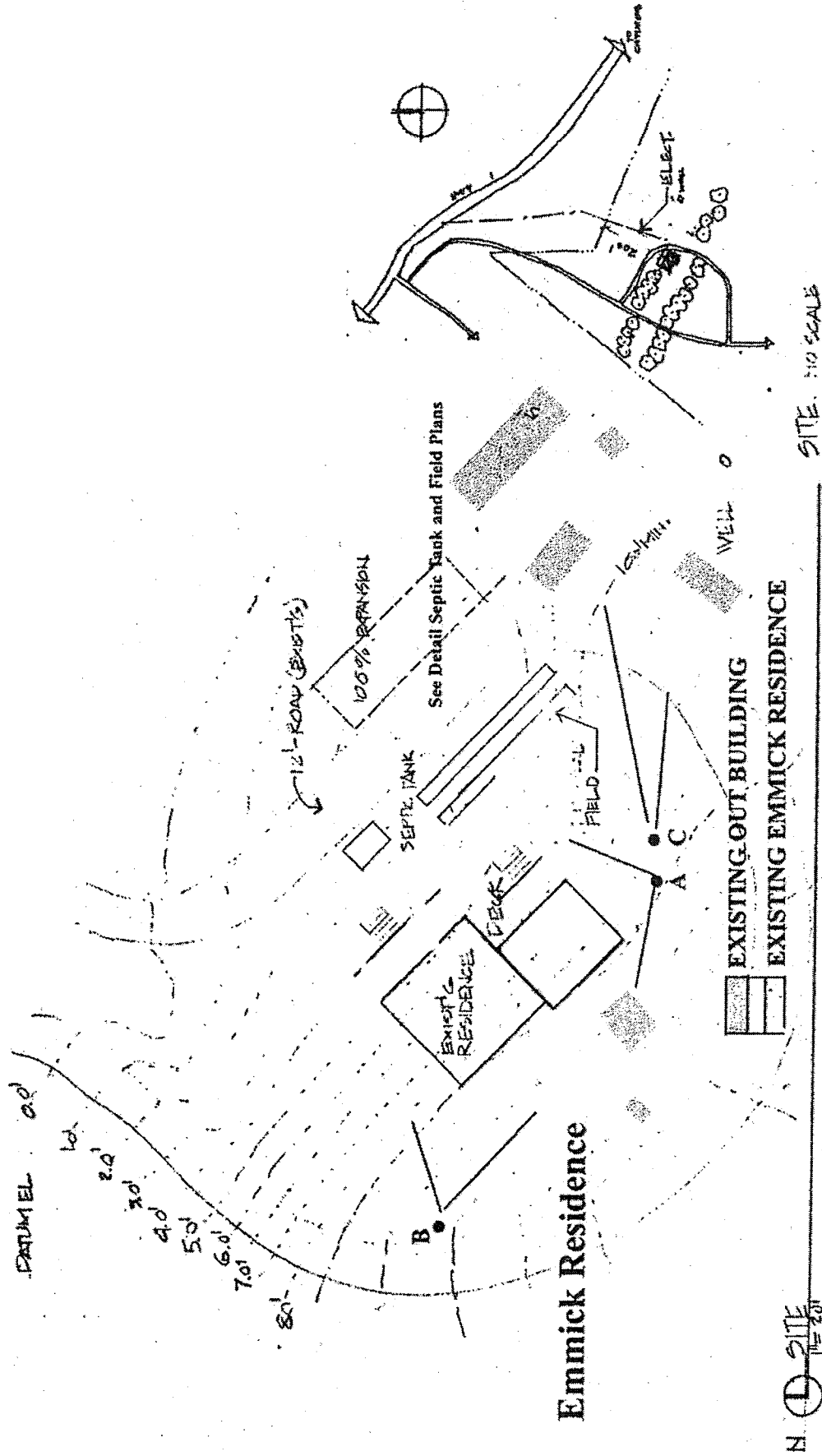
PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

Aerial Photo





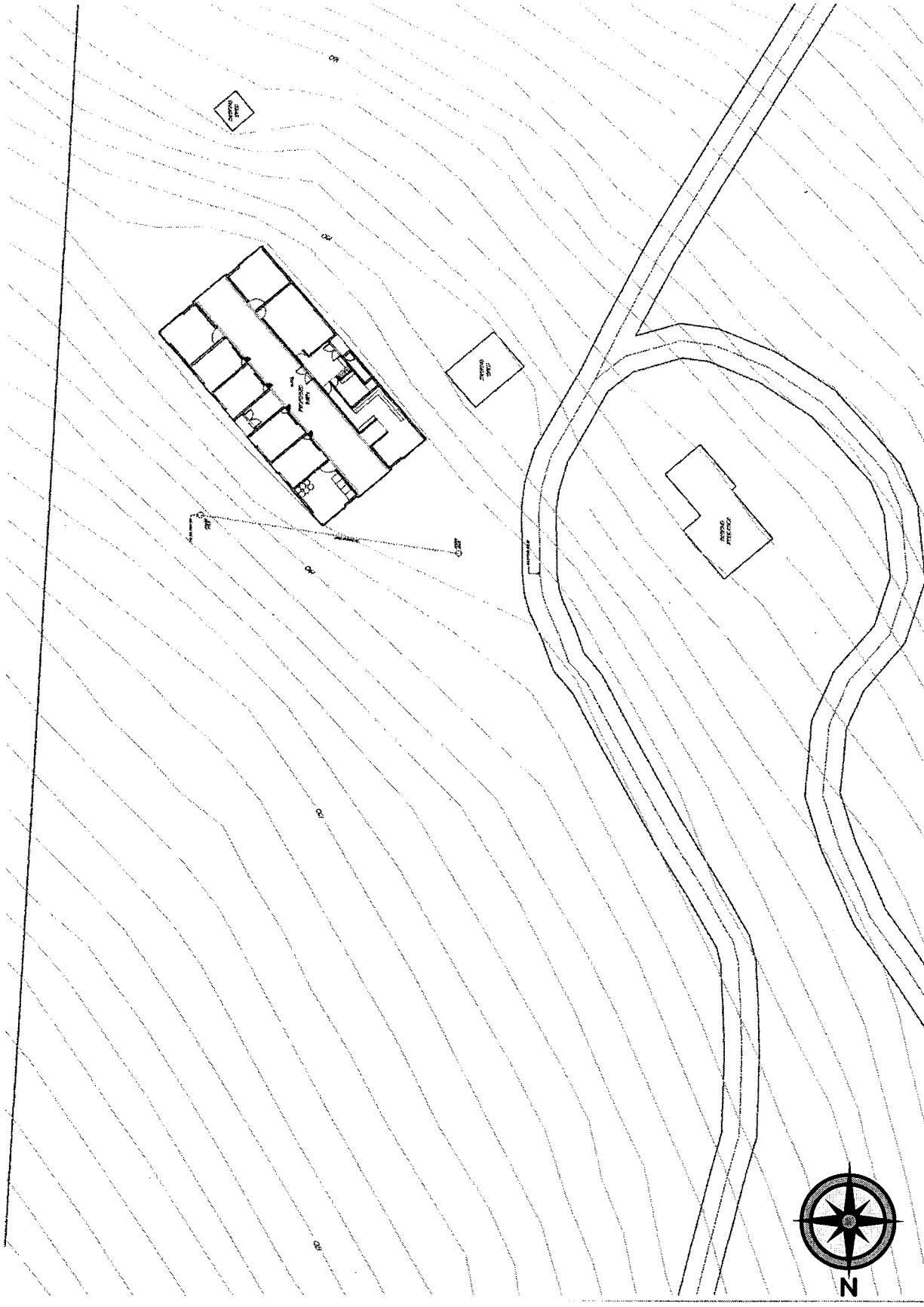
PROJECT

Minor Use Permit
 SDS Family Trust – Emmick DRC2004-00125



EXHIBIT

Overall Site Plan



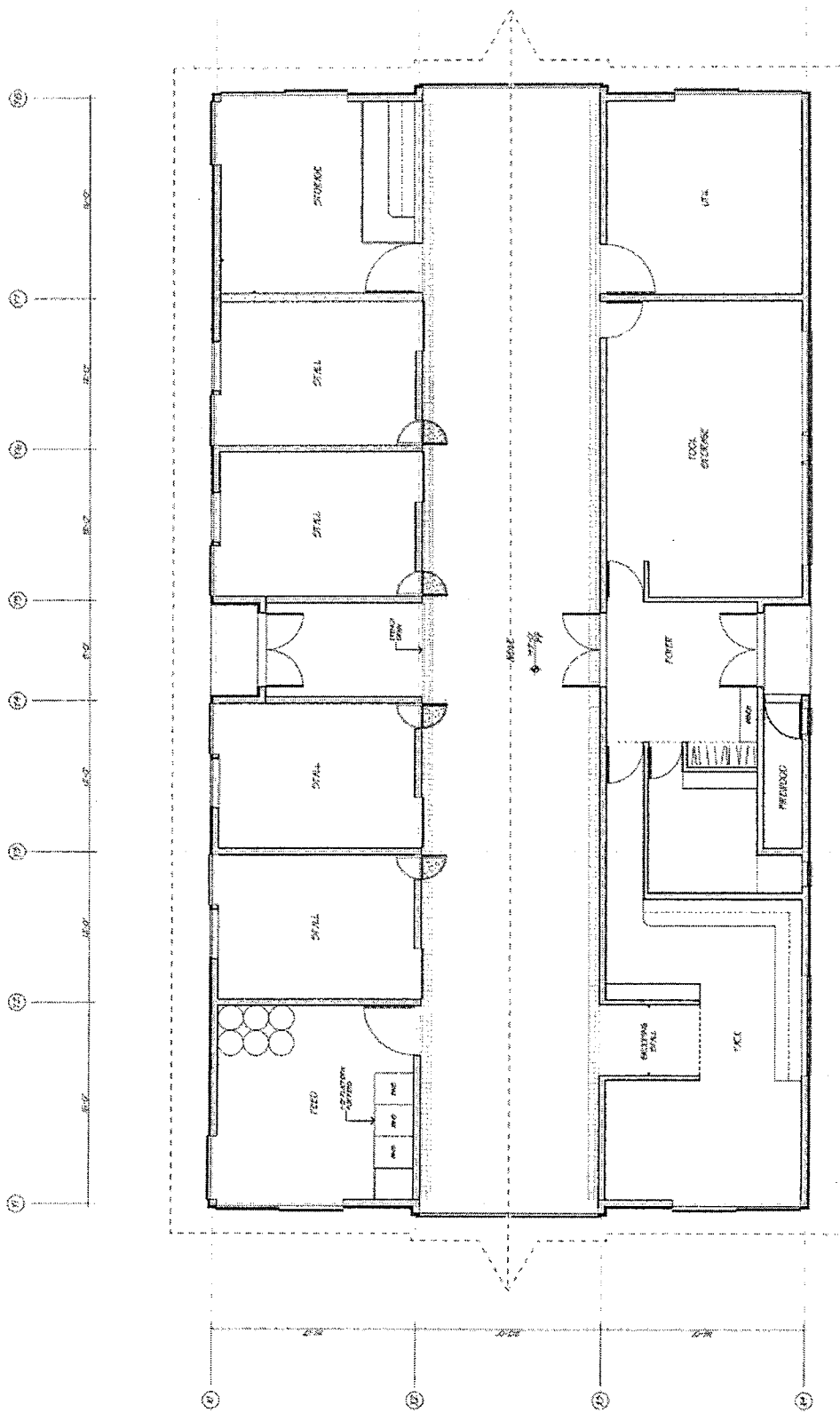
PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

Site Plan





FLOOR PLAN



TOTAL FLOOR AREA
4576 SQ FT

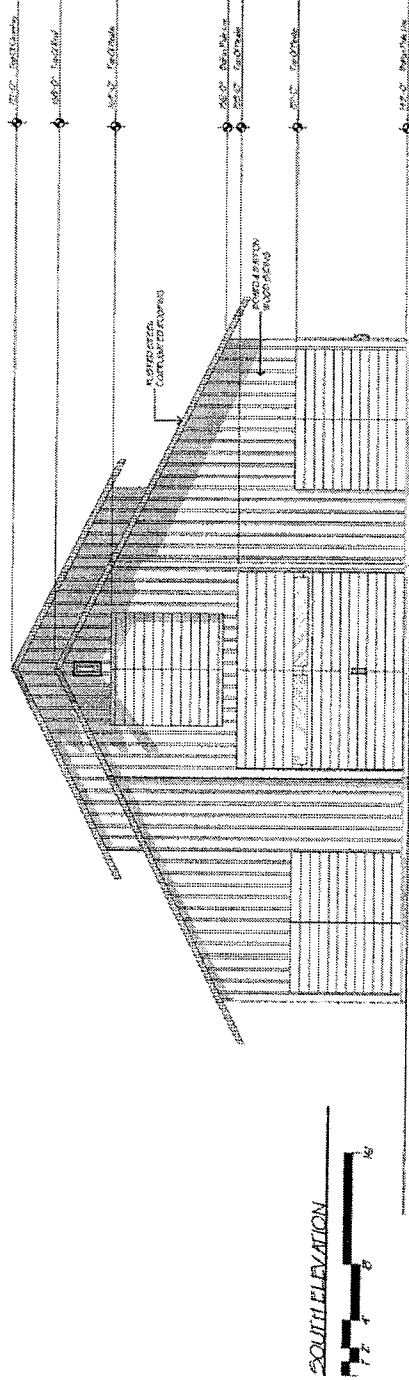
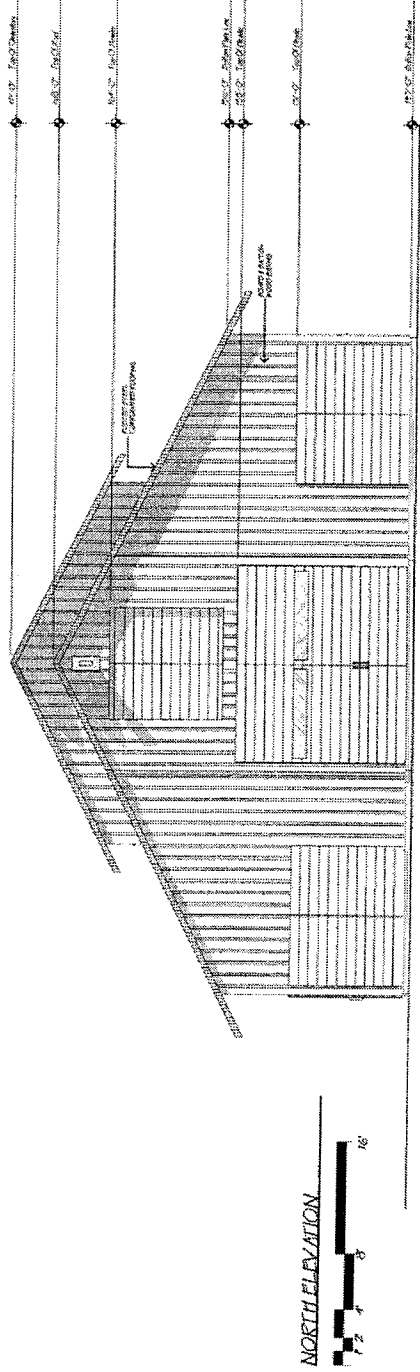


PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRG

EXHIBIT

Floor Plan



PROJECT

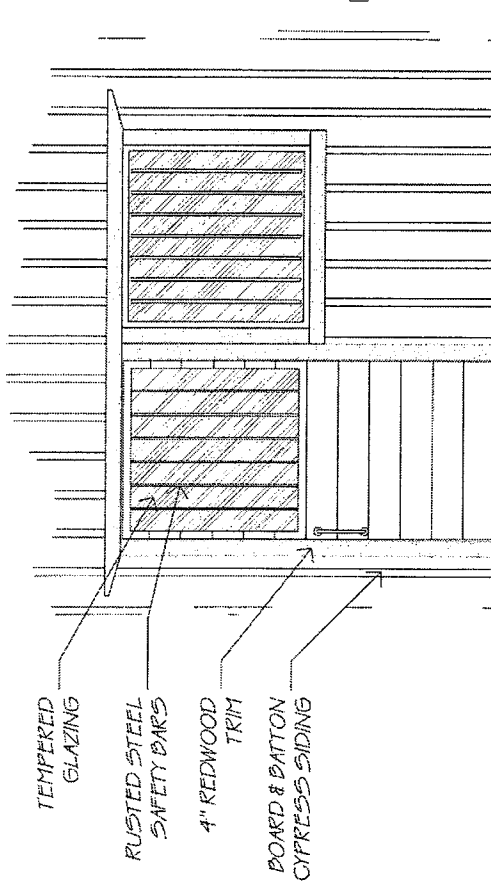
Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

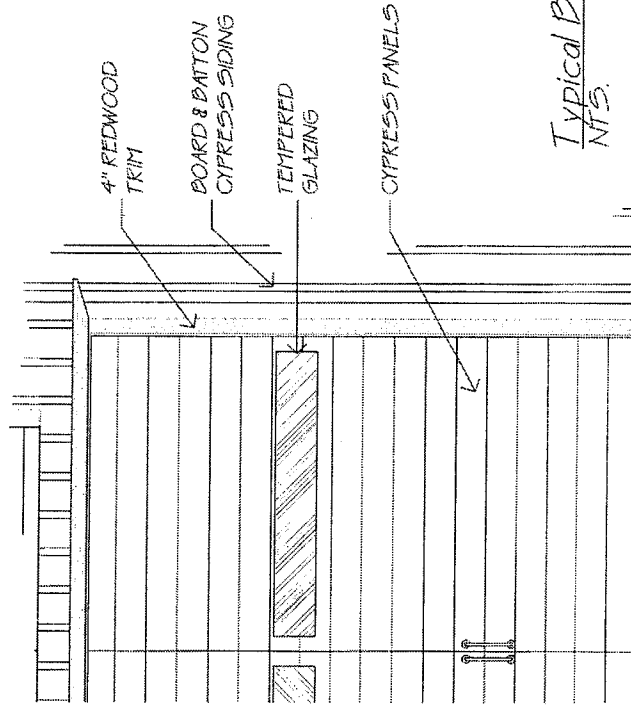
Elevations



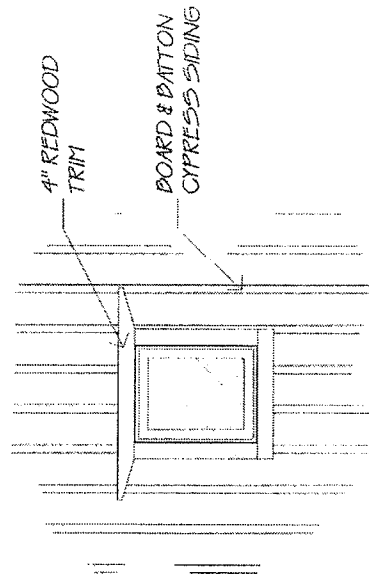
Fenestration Details



Typical Stall Door
NTS.



Typical Barn Door
NTS.



Typical Casement Window
NTS.

PROJECT

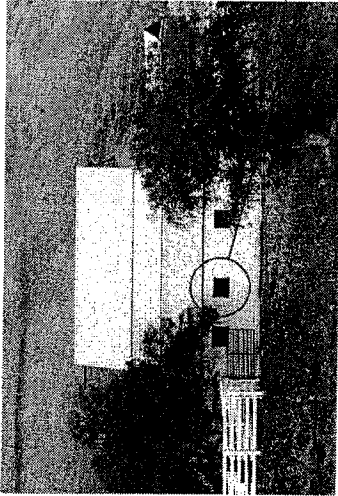
Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

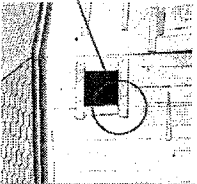
Fenestration Details



Precedents



Apple Barn, San Benito Valley CA
Unknown

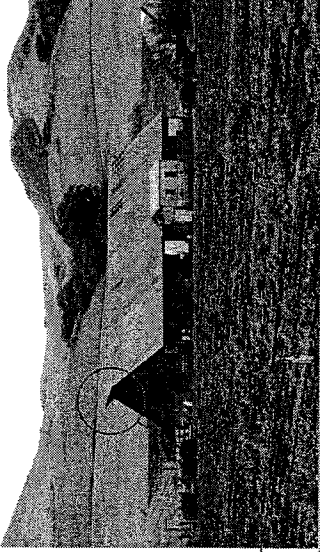


Octagonal Barn, San Luis Obispo CA
Circa Late 1800's

Wide Window Trim

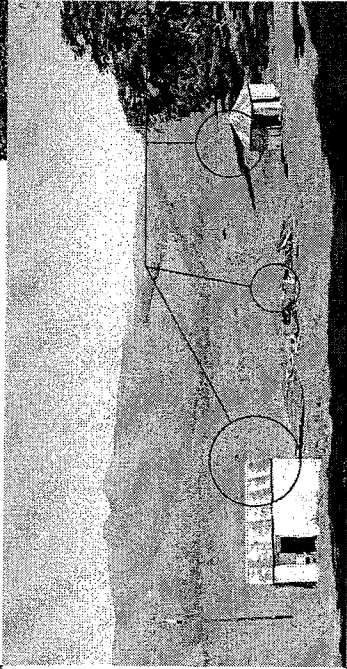
Casement Windows

Wildcat Peak

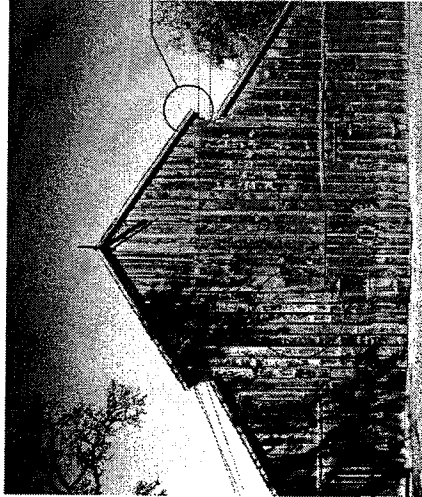


Los Osos Valley Road Barn
San Luis Obispo CA
Circa Late 1800's

Rusted Corrugated Metal Roofing
to Match Existing Out-Buildings



McLaughlin Site, Hanney CA
Unknown



Cloacalory

Board & Batten Siding

Shannon Barn, Santa Ynez Valley CA
Circa Late 1800's

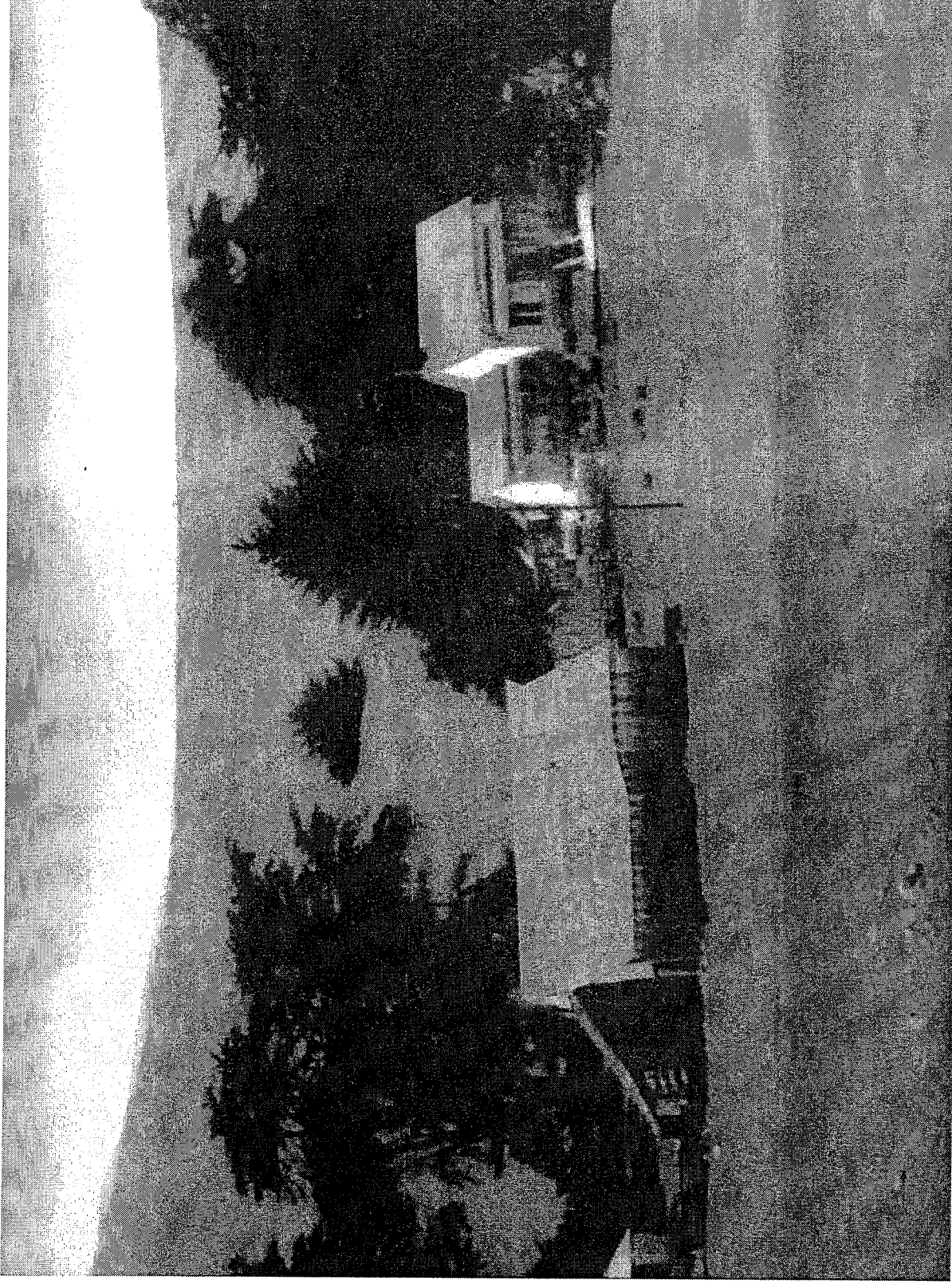
PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

Precedents





PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

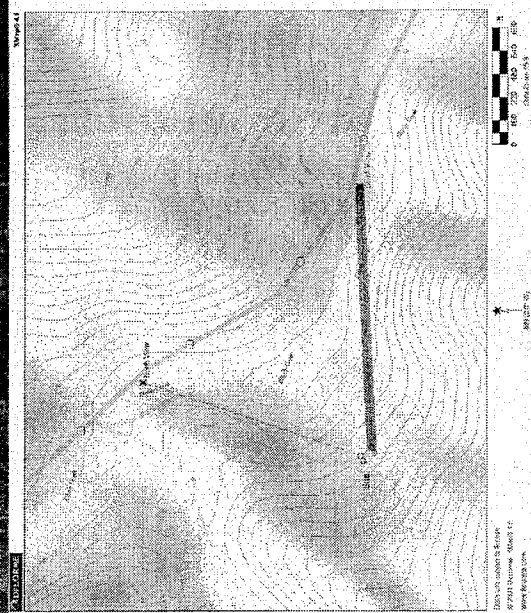
EXHIBIT

Old Barn





View From South
Elev. 56' N35° 28.399' W120° 59.185'
McLaughlan Barn APN#: 013-171-008
Minor Use Permit #: DRC 2004-00125



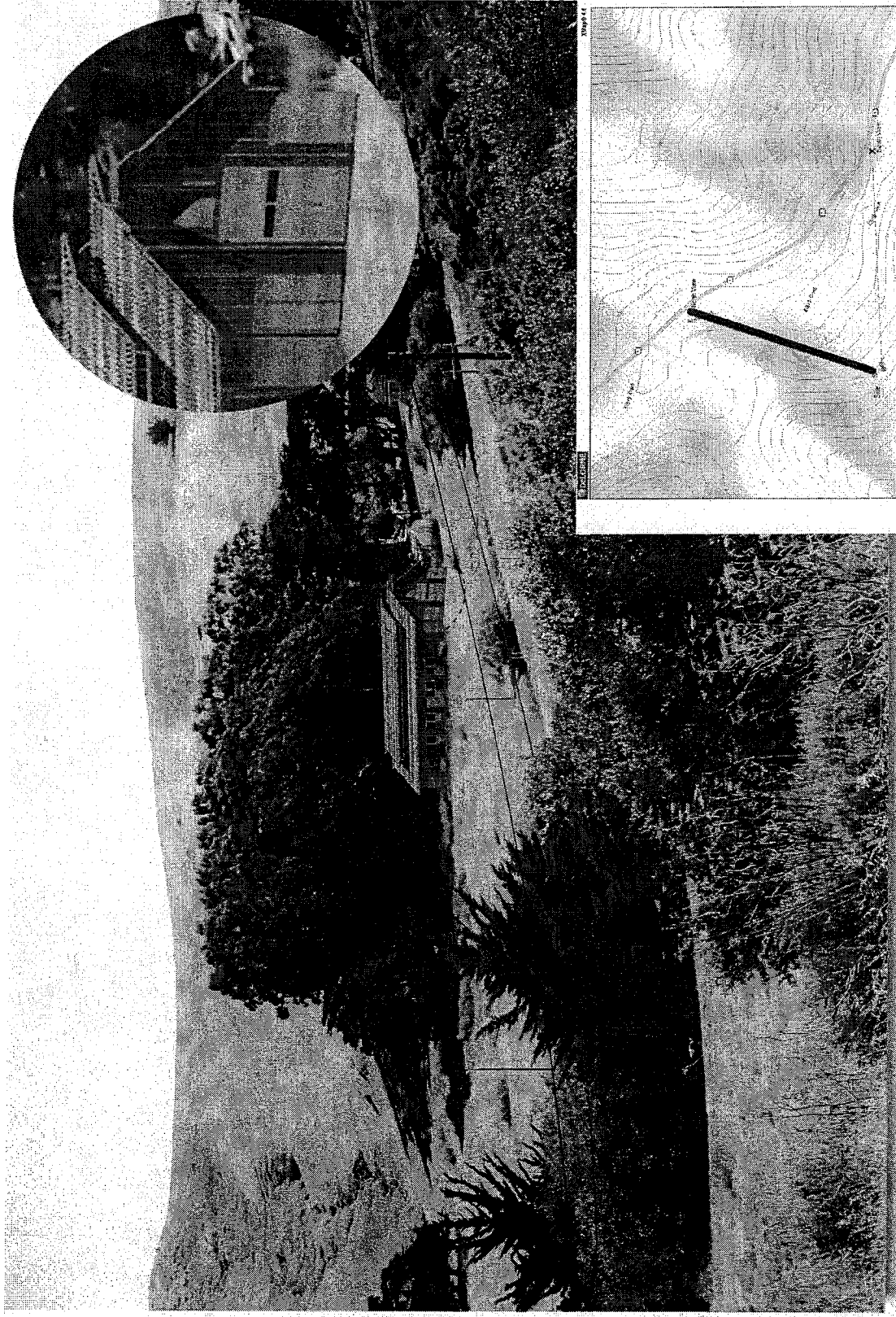
PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125

EXHIBIT

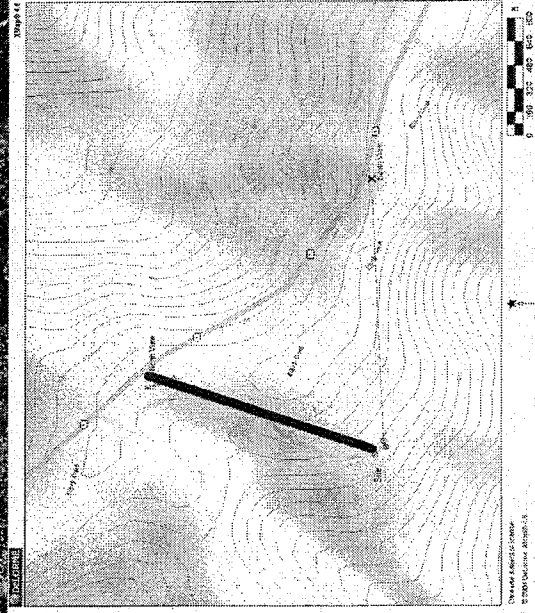
Site Photo – View from South





View From North

Elev. 71' N35° 28.640' W120° 59.454'
McLaughlin Barn APN#: 013-171-008
Minor Use Permit #: DRC 2004-00125



PROJECT

Minor Use Permit
SDS Family Trust – Ennick DRC2004-00125



EXHIBIT

Site Photo – View from North